

ASSEMBLY BILL

No. 1634

Introduced by Assembly Member McCarthy

February 22, 2005

An act to amend Section 38 of the Insurance Code, relating to notice.

LEGISLATIVE COUNSEL'S DIGEST

AB 1634, as introduced, McCarthy. Insurance: notice.

Existing law provides that, unless expressly otherwise provided, any notice required to be given to any person by any of specified provisions of law may be given by mailing notice, postage prepaid, addressed to the person to be notified, at his or her residence or principal place of business in this state. Existing law provides that the affidavit of the person who mails the notice, stating the facts of the mailing, is prima facie evidence that the notice was mailed.

This bill would delete the provision regarding the status of the affidavit as prima facie evidence that notice was mailed.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 38 of the Insurance Code is amended to
2 read:
3 38. Unless expressly otherwise provided, any notice required
4 to be given to any person by any provision of this code may be
5 given by mailing notice, postage prepaid, addressed to the person
6 to be notified, at his *or her* residence or principal place of
7 business in this ~~State state. The affidavit of the person who mails~~

- 1 ~~the notice, stating the facts of such mailing, is prima facie~~
- 2 ~~evidence that the notice was thus mailed.~~

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